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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,924	04/20/2004	Holly Hurlbut Hogrefe	04121.0161-02000	5896
27495	7590	06/24/2008	EXAMINER	
AGILENT TECHNOLOGIES INC P.O BOX 7599 BLDG E., LEGAL LOVELAND, CO 80537-0599			HUTSON, RICHARD G	
			ART UNIT	PAPER NUMBER
			1652	
			DATE MAILED: 06/24/2008	

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 175 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 175 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

# Notice of Allowability

## Application No.

10/828,924

## Examiner

Richard G. Hutson

## Applicant(s)

HOGREFE ET AL.

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### - The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to paper of 3/3/2008.
2. ☒ The allowed claim(s) is/are 1-3,7-14,23-25,57-59,75-85.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **DETAILED ACTION**

Applicant's amendment of claims 57, in the paper of 3/3/2008, is acknowledged. Claims 1-3, 7-14, 23-25, 57-59 are present and at issue.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Young-Ping Hwung on 6/10/2008.

The application has been amended as follows:

In claim 1, line 4, after "polynucleotide encoding" delete "an amino acid sequence comprising".

In claim 57, line 4, after "polynucleotide encoding" delete "an amino acid sequence comprising".

In claim 57, line 7, after "95%" insert "sequence".

#### **Add the following new claims:**

75. A vector comprising the polynucleotide of claim 57.
76. The vector of claim 75, wherein the vector is a plasmid.

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77. The vector of claim 75, wherein the vector is a bacteriophage.
78. The vector of claim 75, wherein the vector is a retrovirus.
79. The vector of claim 75, wherein the vector is an adenovirus.
80. An isolated host cell comprising the vector of claim 75.
81. The isolated host cell of claim 80, wherein the isolated host cell is a prokaryotic cell.
82. The isolated host cell of claim 80, wherein the isolated host cell is a eukaryotic cell.
83. A method for producing replication accessory factors comprising:  
expressing the polynucleotide of the vector of claim 75 in a host cell; and  
purifying the expressed product.
84. The method of claim 83, wherein the host cell is a prokaryotic cell.
85. The method of claim 83, wherein the host cell is a eukaryotic cell.

The following is an examiner's statement of reasons for allowance: The prior art does not teach or suggest an isolated and purified polynucleotide encoding an archaeal replication factor A ("RFA") comprising a polynucleotide encoding the amino acid sequence set forth in Figure 17 (SEQ ID NO:66) or a polynucleotide encoding an amino acid sequence possessing 95% identity to SEQ ID NO: 66, wherein the encoded

amino acid sequence binds to and stabilizes single stranded DNA. It is noted that a polynucleotide which encodes an amino acid sequence, must encode that amino acid sequence, but is not limited to encoding only that amino acid sequence.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard G. Hutson whose telephone number is 571-272-0930. The examiner can normally be reached on M-F, 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nashaat T. Nashed can be reached on 571-272-0934. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

rg  
6/10/2003

/Richard G Hutson, Ph.D./  
Primary Examiner, Art Unit 1652